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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,338	07/23/2001	Michael Seidl	TI-32066	2785
23494	7590	04/19/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED			TRAN, PHUC H	
P O BOX 655474, M/S 3999			ART UNIT	PAPER NUMBER
DALLAS, TX 75265			2666	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/911,338	SEIDL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PHUC H TRAN	2666	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. <sup>1-8, 10, and 12-20</sup>  
A Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Gentry et al. (U.S. Patent No. 5659758).

\* Note: The claim limitations that employ phrases of the type “adapted to” are typical of claim limitations, which may not distinguish over the prior art. The limitations after the “adapted to” performing a function is not a (consider) positive limitation but only requires the ability to so perform.

- With respect to claims 1-2, & 15, Gentry teach an apparatus for improving information transfers in network (Fig. 3) applications comprising: a data input, coupled to a data processing block;

a programmable counter (block 101 in Fig. 1), having a first input coupled to said data processing block and a second input coupled to an interrupt generator (e.g. 203 and 213 in Fig. 2 and 100 in Fig. 3) and an output coupled to said interrupt generator (Fig. 1);

the interrupt generator, having an input coupled to the programmable counter and an output coupled to a signal output (e.g. blocks in Fig. 1);

the data processing block, having an input coupled to the data input and an output coupled to the programmable counter (Fig. 3);

and the signal output, coupled to the interrupt generator (e.g. signal input and output in Fig. 6).

- With respect to claims 3-4, & 16-17, Gentry further teaches wherein the interrupt generator having a second input coupled to a timer and an output coupled to the timer; and the timer having an input coupled to the interrupt generator and an output coupled to the interrupt generator (e.g. the connects in Fig. 1 shows the time counter).

- With respect to claim 10, Gentry further comprises the steps of measuring elapsed time since receipt of a first data packet ; and asserting an interrupt if the measured elapsed time is equal to a time threshold (col. 2, lines 34-45).

- With respect to claims 12-13, Gentry also teaches the step of resetting the elapsed time measurement and the programmable counter after asserting the interrupt (col. 3, lines 31-35).

- With respect to claims 5-7, & 18-20, Gentry discloses wherein the programmable counter and the timer are reset after the programmable counter and the timer signals the interrupt generator (col. 3, lines 31-35).

*Allowable Subject Matter*

3. Claims 9, 11 and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
4/16/05

  
